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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,078	04/12/2001	Nobukazu Suzuki	1232-4706	2751

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EXAMINER	
LEE, CHEUKFAN	

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/834,078	Applicant(s) SUZUKI, NOBUKAZU	
	Examiner Cheukfan Lee	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 April 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) *13-15 and 21* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 9, 10, 12, 16-20* is/are rejected.

7)☒ Claim(s) *6-8 and 11* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. All pending claims 1-21 are subject to species election.

2. This application contains claims directed to the following patentably distinct species of the claimed invention:

I. First and second embodiments, figs. 1-3 and Fig. 3, respectively (corresponding to claims 1-12 and 16-20).

II. Third embodiment, Figs. 5-10 (corresponding to claims 13-15 and 31).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. During a telephone conversation with Mr. Brian W. Brown on June 25, 2004 a provisional election was made with traverse to prosecute the invention of Species I, claims 1-12 and 16-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 13-15 and 21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 16, 17, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Toyada et al. (U.S. Patent No. 5,825,505).

Regarding claims 1, 16, 17, and 20, Toyada et al. discloses an image communication apparatus/system including a reader for reading an original image, a communication unit, a recorder for recording (printing) image data, and a CPU for controlling the overall operation of the apparatus. The apparatus comprises has a plurality of operation modes that require different consumption powers, the operation modes including a full print mode, which is a full power printing mode, and thin print mode, which is an energy-saving mode (col. 4, lines 48-67, col. 10, lines 19-67). The controller selectively uses an AC power supply, a battery, and a car battery. When it is detected that AC power is connected (BAT/AC=0), the full print mode determined to be the operation mode, and when it is detected that a battery is used (BAT/AC=1), the thin print mode is determined to be the operation mode.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Toyada et al. (U.S. Patent No. 5,825,505) in view of Takanaka (U.S. Patent No. 6,708,279).

Regarding claim 12, Toyada et al. does not disclose a executing calibration in accordance with a change in power supply in the apparatus.

Takanaka discloses a controller for executing calibration of a head temperature sensor (17) of a printer in an electronic apparatus in the standby state of the printer where power consumption is suppressed as low as possible (col. 1, lines 10-13, col. 7, line 57 – col. 8, line 17, col. 9, line 35 – col. 10, line 9). The calibration process is performed when the power supply level is low (i.e., when power supply to power line 30 in Fig. 1 is stopped, col. 9, lines 38-45). This low level of power supply corresponds to the printer standby state in the energy-saving mode of Toyada et al., since the printer of Toyada et al. also enters a standby state.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a calibration controller in the apparatus Toyada et al. to calibrate the printer or a component of the printer during its stand by state in the energy-saving mode, i.e., when the printer enters its standby state when the power supply is changed from the AC power supply to the battery power supply, in order to keep the component of the print working accurately as taught by Takanaka (col. 7, line 57 – col. 8, line 9).

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyada et al. (U.S. Patent No. 5,825,505) in view of Pinzarrone et al. (U.S. Patent No. 5,956,158).

Regarding claim 2, Toyada et al. discussed for claim 1 above does not disclose and interface for connecting to an external apparatus via a cable having a communication function and power supply function. The plurality of power supplies of Toyada et al. includes an AC power, a battery, and a car battery.

However, the claimed interface and cable are not novel but are known in the art as taught by Takanaka. The interface of the scanner connects to a computer via a USB cable, which has a communication function and power supply function (Figs. 1 and 2, col. 3, lines 13-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a USB and an interface in the apparatus of Toyada et al. in order for the apparatus to communicate with a computer and to use power supplied from the computer via the USB as taught by Takanaka in order to provide one more option of power supply to the apparatus.

Regarding claim 3, the other power supply in Toyada et al. is a commercial AC power supply.

Regarding claim 4, in Toyada et al., the power or energy-saving mode is the operation mode selected when it is determined that the power supply in used is a lower level power supply (battery). Based on the reasons of obviousness given for claim 2 above, when the USB power supply is in use, the energy-saving mode is selected.

Regarding claims 5, 9 and 10, the image reader of the apparatus of Toyada et al. includes a light source. In the discussion for claim 1 above, the operations modes discussed are print modes, full print mode and the power saving thin print mode. Based on this interpretation that the operation mode is a print mode, one of ordinary skill in the art would have realized that original image reading is not performed. Therefore, in this energy saving mode of the printer or apparatus, it would have been obvious to turn off power supply to the document light source and power for driving the image sensor, i.e.,

supply zero amount of power to the light source and the image sensor since the apparatus is printing, not reading a document image. The scanning speed of the image sensor would be zero. Since zero is the smallest amount of electric power, the claim limitation is met that electric power to the light source is smaller in the energy-saving mode than that in the other mode when AC power supply is used, and also, the claim limitation of slower speed of the sensor is also met.

9. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyada et al. (U.S. Patent No. 5,825,505).

Claims 18 and 19 claim a memory medium that stores a control program, or the control program, for a method corresponding to the method of rejected claim 17 one of ordinary skill in the art would have realize the benefit of making the method in form of a computer program. Therefore, using the method steps of Toyada et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method steps of Toyada et al. in form of program codes for easy handling.

10. Claims 6-8 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is an examiner's statement of reasons for allowance:

Claims 6-8 and 11 would be allowable over the prior art of record because the interpretation of zero power level of the Toyada et al. as discussed for claims 5, 9 and 10 above is not valid here. That is because at zero power supplied to the sensor of that interpretation, the sensing time of the sensor can not be measured and therefore can not be said to be set longer in the power saving mode than in the other mode. Claims 7, 8 and 11 depend upon claim 6.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (703) 305-4867. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
June 25, 2004

Cheukfan Lee